

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 29, 2003

IN RE:

**GENERIC DOCKET TO ESTABLISH
GENERALLY AVAILABLE TERMS AND
CONDITIONS FOR INTERCONNECTION**

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**DOCKET NO.
01-00526**

ORDER CLOSING DOCKET

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this Docket, at the regularly scheduled Authority Conference held on January 27, 2003 for consideration of the status of this Docket.

Background

On March 4, 1997, at a regularly scheduled Authority Conference, the Authority opened TRA Docket No. 97-00309, *BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996* (the "271 Docket") on its own motion, to commence a formal inquiry relating to BellSouth's compliance with requirements for entry into the in-region, long distance (interLATA) markets in Tennessee.¹ Among these is the requirement that access or interconnection provided or generally offered to other telecommunications carriers meets the standards for interconnection set forth in 47 U.S.C. §§ 251(c)(2) and

¹ See *In re: BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*, Docket No. 97-00309, *Order Instituting Formal Inquiry and Adopting Procedure* (March 21, 1997).

252(d)(1) and the standards for nondiscriminatory access to network elements in accordance with 47 U.S.C. §§ 251(c)(3) and 252(d)(1).² BellSouth filed its *Statement of Generally Available Terms and Conditions for Interconnection, Unbundling and Resale* ("SGAT") initially on January 16, 1998.³

Subsequent to an evidentiary hearing, but prior to the Authority's deliberation on the matter, BellSouth filed on April 8, 1999 a notice to dismiss without prejudice its SGAT and advance notice of its intent to file an application for authority to provide interLATA services. On November 22, 1999 the Authority issued an Order accepting BellSouth's notice. The docket remained open for the purpose of gathering data for determining BellSouth's compliance with the criteria set forth in the 1996 Federal Act for entry into the interLATA long distance markets. On May 30, 2002 BellSouth filed its advance notice with the Authority of its intent to file a 271 applications with the Federal Communications Commission.

At a regularly scheduled Authority Conference held on June 12, 2001, the Directors⁴ voted to open the above-styled Docket.⁵ The Docket was opened upon the Authority's finding that:

A generic docket to resolve issues frequently arbitrated and to produce generally available interconnection terms and conditions would benefit competition. The availability of such terms and conditions will streamline the interconnection process and mitigate difficulties that CLECs may have in obtaining cost-based interconnection rates in a timely fashion. These goals are

² See 47 U.S.C. § 271(c)(2)(B)(i)-(ii).

³ See *In re: BellSouth's Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*, Docket No. 97-00309, *BellSouth Telecommunications, Inc.'s Notice of Filing* (January 16, 1998).

⁴ On June 30, 2002, the terms of Chairman Sara Kyle, and Directors H. Lynn Greer, Jr. and Melvin J. Malone expired. Chairman Kyle was reappointed and commenced a new term as a Director of the Authority on July 1, 2002. Deborah Taylor Tate, Pat Miller and Ron Jones were appointed as new Directors of the TRA and commenced their terms on July 1, 2002. Subsequently, a three member voting panel consisting of Chairman Kyle and Directors Tate and Jones was randomly selected and assigned to Docket No. 01-00526.

⁵ This was Docket was opened in the course of the Authority's deliberations of Tariff No. 01-00205 filed in Docket No. 97-01262. See *In re: Petition of BellSouth Telecommunications, Inc. to Convene a Contested Case to Establish "Permanent Prices" for Interconnection and Unbundled Network Elements*, Docket No. 97-01262, *Order Denying Tariff No. 01-00205 and Opening Docket No. 01-00526* (June 21, 2001).

consistent with federal and state law.⁶

This Docket represented a collective effort on the part of the parties to this Docket to develop a standard interconnection agreement that incorporated the decisions of the Authority in previous arbitration proceedings. An intended result of this effort was to streamline the arbitration process by resolving issues in this Docket that routinely and ubiquitously appeared in arbitration proceedings.

During a specifically scheduled Authority Conference held on August 26, 2002, Chairman Kyle, Director Tate, and Director Miller, the voting panel assigned to Docket No. 97-00309, deliberated the merits of the issues raised in the 271 Docket. At the close of their deliberations a majority⁷ of the panel voted to approve the *SGAT* submitted with BellSouth's latest 271 applications under 47 U.S.C. 252(f) based on findings that BellSouth's *SGAT* satisfies the requirements of 47 U.S.C. §§ 251 and 252(d).⁸ The panel then turned to the issue of BellSouth's compliance with 47 U.S.C. § 271(c)(2)(B) and unanimously found that BellSouth complies with the requirements of 47 U.S.C. §§ 251(c)(2) and 252(d)(1) regarding interconnection.⁹ The Authority also unanimously found that BellSouth is complying with the requirements of 47 U.S.C. §§ 251(c)(3) and 252(d)(1) by providing or generally offering nondiscriminatory access to network elements.¹⁰

Findings

The Authority's approval of BellSouth's *SGAT* within the confines of the 271 proceeding achieved the primary purpose of Docket No. 01-00526, *i.e.*, to establish generally

⁶ See *In re: Petition of BellSouth Telecommunications Inc. to Convene a Contested Case to Establish "Permanent Prices" for Interconnection and Unbundled Network Elements*, Docket No. 97-01262, *Order Denying Tariff No. 01-00205 and Opening Docket No. 01-00526*, p. 6 (Jun. 21, 2001) (citing Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (purpose of Act) and Tenn. Code Ann. § 65-4-123 (Supp. 2000)).

⁷ Director Tate did not vote with the majority to approve the *SGAT*.

⁸ See *In re: BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*, Docket No. 97-00309, *Advisory Opinion to the Federal Communications Commission*, p. 26 (October 10, 2002).

⁹ See *id.*

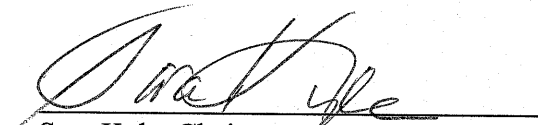
¹⁰ See *id.* at 27.

available terms and conditions for competitive local exchange carriers. The *SGAT* represents an interconnection agreement that any carrier can elect without negotiation. Given the Authority's approval of the *SGAT*, continuation of this Docket would be unnecessarily duplicative. Moreover, the negotiation and arbitration process remains available to competitive carriers.

At the January 27, 2003 Authority Conference Director Tate made a motion to close this docket based on the fact that a majority of the voting panel in Docket 97-00309 voted to approve the *SGAT*. After considering the record in this matter, a majority¹¹ of the voting panel voted to administratively close this docket.

IT IS THEREFORE ORDERED THAT:

Docket No. 01-00526 is hereby administratively closed.


Sara Kyle, Chairman


Deborah Taylor Tate, Director

Ron Jones, Director

¹¹ Director Jones declined to vote with the majority.